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CHILDREN'S ISSUES



Maryland's Human Services Agency

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Robert L. Ehrlich, Jr.  
Governor

December 14, 2003  
BUREAU OF  
CONSULAR AFFAIRS

Michael S. Steele  
Lt. Governor

Christopher J. McCabe  
Secretary

Mr. John L. Ballif, Director  
Office of Children's Issues  
United States Department of State  
Washington D.C. 20520

Dear Mr. Ballif:

The Social Services Administration, Maryland Department of Human Resources commends the U.S. Department of State for producing a fair, well-written document containing proposed rules for the implementation of the Inter-country Adoption Act. The Social Services Administration expressed interest in serving as an accrediting entity last month and believes that, as part of our mission, we should offer to accredit adoption agencies wishing to provide international adoption services. In our Statement of Interest, we commented on most of the proposed rules. For the most part, our State regulations are identical or similar to the proposed federal rules. We generally agree with the comments provided by the State of New Mexico regarding liability issues, insurance and resulting cost to small private adoption agencies.

§96.26 of the proposed federal rules is confusing. The Freedom of Information Act (USCA Subsection 552) seems to be in conflict with the intention of the proposed rules. Our interpretation of the Freedom of Information Act is that the general public is entitled to all material pertaining to a licensed agency's organization, finances, professional practices, proprietary information, data collection and other information. The only information we consider to be confidential is the identity of clients served—e.g. adopting parents, foster parents, and adoptive and foster care children. We would appreciate clarification on this matter. Are we interpreting the Freedom of Information Act too broadly or are the proposed federal rules in conflict with the Freedom of Information Act?

Sincerely,

Bill Lee, LCSW  
Licensing Coordinator  
Social Services Administration

C: Craig Adams  
Grace Turner  
Carol Smith